

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LeSHAUN CURRY,

Plaintiff,

Case No. 15-cv-14000
Hon. Matthew F. Leitman

v.

KEY BANK, N.A. et al.,

Defendants.

/

**ORDER DISMISSING PLAINTIFF LeSHAUN CURRY'S COMPLAINT
AGAINST DEFENDANT KEY BANK, N.A.**

In this action, Plaintiff LeShaun Curry (“Curry”) has brought claims against Defendants Key Bank, N.A. (“Key Bank”) and Experian Information Solutions, Inc. (the “Complaint”). (*See* ECF #1-1.) On November 20, 2015, Key Bank filed a motion to dismiss the claims Curry brought against it in the Complaint (the “Motion to Dismiss”). (*See* ECF #6.) Pursuant to Local Rule 7.1(e)(1)(B), Curry’s response to the Motion to Dismiss was due not later December 14, 2015. Curry did not file a response. As a result, on December 28, 2015, the Court ordered Curry to show cause why the Motion to Dismiss should not be granted (the “Show Cause Order”). (*See* ECF #9.) The Court ordered Curry to file a written response to the Show Cause Order by 5:00 p.m. on January 8, 2016, and it expressly warned him that his “failure to file a written response” to the Show Cause Order would

result in the dismissal of his Complaint “against Key Bank pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.* at 2, Pg. ID 46.)

Curry has not filed any response to the Show Cause Order, and he has still failed to respond to the Motion to Dismiss. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), **IT IS HEREBY ORDERED** that Curry’s Complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendant Key Bank only for failure to prosecute and failure to comply with the Court’s orders. **IT IS FURTHER ORDERED** that the Show Cause Order (ECF #9) is **VACATED** and the Motion to Dismiss (ECF #6) is **TERMINATED AS MOOT**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 19, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 19, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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